

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

PITMAN F. STRATTON and ANGELA A. )  
STRATTON, )  
 )  
Plaintiffs, )  
 )  
-vs- )  
 )  
ARMADA CORP., )  
 )  
Defendant. )

NO. CV-11-5084-LRS

**ORDER GRANTING DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

BEFORE THE COURT is the motion for summary judgment by defendant Armada Corp. (ECF No. 8), filed on January 10, 2012 and noted without oral argument.

**I. BACKGROUND**

Defendant's summary judgment motion was filed January 10, 2012 and noted for hearing, without oral argument, on March 2, 2012. A "Certificate of Service" executed January 10, 2012 (ECF No. 8, at 2) indicates the motion was served by ECF notification upon counsel for the plaintiffs. Plaintiffs have yet to file any response to the motion. Local Rule 7.1(c) provides an opposing party with 21 calendar days after service to serve and file a responsive memorandum. Assuming plaintiffs' counsel was served with the summary judgment motion on January 10, 2012,

1 plaintiffs were required to serve and file a response no later than  
2 January 31, 2012.

3 Local Rule 7.1(e) states that a failure to timely file a memorandum  
4 of points and authorities in opposition to any motion may be considered  
5 as consent to the entry of an order adverse to the party in default.  
6 Furthermore, plaintiffs' failure to file a statement of material facts  
7 in opposition to defendant's statement of material facts allows the court  
8 to assume the facts as claimed by defendant are admitted to exist without  
9 controversy. See Local Rule 56.1(d).

## 10 **II. DISCUSSION**

11 This is a Fair Debt Collection Practices Act case, wherein plaintiffs  
12 assert causes of action under the Washington Collection Agencies Act  
13 (WCAA), the Washington Consumer Protection Act (CPA), the Fair Debt  
14 Collection Practices Act (FDCPA) and the Fair Credit Reporting Act  
15 (FCRA). Defendant requests an order granting its motion for summary  
16 judgment dismissing plaintiffs' claims because there is no evidence of  
17 any violation of the WCAA, CPA, FDCPA or FCRA.

18 The court has reviewed defendant's memorandum in support of its motion  
19 for summary judgment and the declarations of George E. Telquist and Peggy  
20 Beck. Although it is not clear from the Complaint, defendant asserts  
21 plaintiffs' complaint is that the defendant Armada violated Mr.  
22 Stratton's rights when Armada allegedly misrepresented that Stratton had  
23 been sued in August 2010. Defendant asserts that plaintiffs mistakenly  
24 believed the initial lawsuit was commenced in October 2010. The lawsuit  
25 in state court, however, was commenced but not yet served in August 2010,  
26 according to the undisputed facts.

27 As for the alleged violations of the WCAA or the CPA, Defendant Armada  
28 asserts that there is no evidence, beyond the conclusory statements or

1 "bare bone assertions" by plaintiffs, that there were any violations.  
2 Next, plaintiffs allege Armada violated the FCRA by simply requesting a  
3 credit report. Defendant Armada asserts it was authorized to obtain a  
4 consumer credit report under 15 U.S.C. § 1681b(a)(3)(A), as the services  
5 sought by the Strattons were for a chiropractor and dentist.

6 Accordingly, the court finds that plaintiffs' claims should be  
7 dismissed, based on the lack of opposition by plaintiffs and the  
8 undisputed material facts of record.

9  
10 **IT IS ORDERED** that:

11 1. Defendant Armada Corp.'s Motion For Summary Judgment, ECF No.  
12 8, filed on January 10, 2012, is **GRANTED**.

13 **IT IS SO ORDERED.** The District Executive is directed to file this  
14 Order, enter Judgment in favor of the Defendant, furnish copies to  
15 counsel, and close this file.

16 **DATED** this 9<sup>th</sup> of March, 2012.

17  
18 *s/Lonny R. Suko*

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21 LONNY R. SUKO  
22 United States District Judge  
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